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8
9 IN THE UNITED STATES DISTRICT COURT

10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 *E-FILED - 5/11/06*

12 UNITED STATES OF AMERICA,) No: CR05-00285-RMW
13 v. Plaintiff,)
14)
15 Jose Alfredo Souza,) **STIPULATION AND**
16 Defendant.) **ORDER CONTINUING STATUS CONFERENCE**
17) **AND EXCLUDING TIME UNDER**
18) **SPEEDY TRIAL ACT, 18 USC § 3161**
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27 This matter is scheduled for a status conference on Monday, May 8, 2006 at 9:00 a.m. On
28 March 8, 2006, the defense filed an Ex Parte Application in Support of the Issuance of Rule 17
29 Subpoenas for Police Officer Personnel Records. In mid-April the Watsonville Police Department
30 delivered the records to Magistrate Howard R. Lloyd for *in camera* review. As of May 3, 2006,
31 Magistrate Judge Lloyd's clerk has indicated that the *in camera* review remains in progress and will be
32 complete on approximately May 12, 2006. It is anticipated that portions of the personnel records may
33 be distributed to counsel for their review. Based on the continuing *in camera* review and the

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1 possibility that counsel will then need time to review certain records, the parties agree that a
2 continuance is necessary.

3 Plaintiff United States of America, by and through Special Assistant United States Attorney
4 Matthew Harris, and defendant Jose Alfredo Souza, by and through attorney Michelle D. Spencer,
5 hereby agree and stipulate that this matter be continued from May 8, 2006 at 9:00 a.m. to May 22,
6 2006 at 9:00 a.m. The parties agree and stipulate that the period of time from May 8, 2006 through
7 and including May 22, 2006, shall be excluded from the period of time within which trial must
8 commence under the Speedy Trial Act, 18 U.S.C. § 3161 et seq .

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10 The parties agree that a continuance is needed for continuity of counsel and effective
11 preparation and investigation.

12
13 KEVIN V. RYAN
14 United States Attorney

15 Dated:

16 _____
17 MATTHEW HARRIS
18 Special Assistant United States Attorney

19 Dated:

20 _____
21 MICHELLE D. SPENCER
22 Attorney for Jose Alfredo Souza

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24 **ORDER**

25 Based upon the foregoing Stipulation, and good cause appearing therefor,

26 IT IS HEREBY ORDERED THAT that the status conference set for May 8, 2006 be
continued to May 22, 2006 at 9:00 a.m.

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1 IT IS FURTHER ORDERED that the period of time from May 8, 2006 through and including
2 May 22, 2006 be excluded from the period of time within which trial must commence under the
3 Speedy Trial Act, 18 U.S.C. § 3161 et seq. based upon the statutory provision therein, including that
4 time is needed for effective defense preparation and investigation. The Court finds pursuant to Title
5 18, United States Code, Section 3161(h)(8)(A), considering the factor set forth therein, that the
6 interests of justice in granting this continuance outweigh the defendant's and the public's interests in a
7 speedy trial inasmuch as the parties need additional time for continuity of counsel and effective
8 preparation and investigation.

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11 IT IS SO ORDERED.
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13 Date: 5/11/06 _____ /S/ RONALD M. WHYTE _____
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15 HON. RONALD M. WHYTE
16 United States District Judge
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